

Domestic Communications--Satellite Facilities by Non-Governmental Entities, Second Report and Order, 35 F.C.C.2d 844, 847 (1972) (Commission recognized that it must "take appropriate measures toward the end that a reasonable opportunity for effective entry is not defeated or weakened by AT&T, either directly or through its existing or future relationships with Comsat")

**B. AMSC's Proposed LEO System Is Inconsistent with its Stated Need for More Spectrum**

In its original application, AMSC made vague and unsubstantiated allegations that the 30 MHz it is already allowed to use in the United States is not sufficient to serve its projected customer base, and that it is encountering difficulties in coordinating this spectrum internationally. Even accepting these allegations at face value, any benefit to AMSC from adding a portion of the 1610-1626.5 MHz band to its exclusive upper L-band assignment is, at best, attenuated by AMSC's recent filing for a proposed LEO system.<sup>16/</sup> Clearly, any assignment of spectrum to AMSC for this system would not eliminate any shortfall for its geostationary satellites. AMSC can no longer claim any of the benefits that it alleged in 1991 as a result of adding frequencies to its licensed satellites operating in the upper L-band.

The disqualification of AMSC from this proceeding would not result in the forfeiture of any benefits to the public since it still will be able to provide MSS in the bands that have

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<sup>16/</sup> See AMSC Application (Nov. 16, 1994).

already been assigned to it. Thus, the marketplace will still have the opportunity to chose which technology is superior. Accordingly, there is no justification for any assignment of additional spectrum to AMSC when five other proponents of MSS have applied for a limited amount of spectrum.

**VI. CONCLUSION**

For the foregoing reasons, the Commission should reconsider and clarify its licensing and service rules for the Big LEO service to the extent indicated herein.

Respectfully submitted,



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I, Alfred M. Mamlet, hereby certify that a copy of the foregoing Petition was served by first-class mail, postage prepaid, this 21st day of November, 1994, on the following persons:

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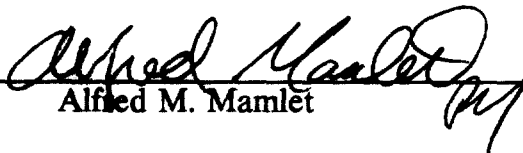
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